

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

MILLARD GUTTER COMPANY a	)	
Corporation d/b/a MILLARD ROOFING	)	CASE NO: 8:23-CV-82
AND GUTTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>NOTICE OF REMOVAL</b>
DEPOSITORS INSURANCE	)	
COMPANY, and NATIONWIDE	)	
PROPERTY AND CASUALTY	)	
INSURANCE COMPANY, a/k/a	)	
NATIONWIDE INSURANCE, a/k/a	)	
NATIONWIDE, and	)	
	)	
Defendants.	)	

**DEFENDANT** Depositors Insurance Company (“Depositors”) and Defendant Nationwide Property and Casualty Insurance Company (“Nationwide”) (collectively “Defendants”) file this Notice of Removal pursuant to 28 U.S.C. §§ 1441(a) and 1332.

**IN SUPPORT** of this Notice, Defendants state:

1. On or about October 3, 2022, Plaintiffs Millard Gutter Company (hereinafter “Plaintiff”) initiated this civil action by filing a Complaint in the District Court of Douglas County, Nebraska, Case No. CI 22-7662, captioned “*Millard Gutter Company, a Corporation d/b/a Millard Roofing and Gutter v. Depositors Insurance Company, and Nationwide Property and Casualty Insurance Company, a/k/a Nationwide Insurance, a/k/a Nationwide, and.*”
2. Nationwide was served with process by Certified Mail on February 9, 2023, thereby requiring any Notice of Removal to be filed on or by March 13, 2023, pursuant to 28 U.S.C. § 1446(b). A copy of the Notice of Service of Process, along with copy of envelope,

Summons, copy of the Complaint and other documents served upon Nationwide via Certified Mail is attached hereto and incorporated herein as Exhibit “A” to this Notice.

3. Depositors was served with process by Certified Mail on February 9, 2023, thereby requiring any Notice of Removal to be filed on or by March 13, 2023, pursuant to 28 U.S.C. § 1446(b). A copy of the Notice of Service of Process, along with copy of envelope, Summons, copy of the Complaint and other documents served upon Nationwide via Certified Mail is attached hereto and incorporated herein as Exhibit “B” to this Notice.
4. Defendants have not filed any responsive pleading(s) concerning this case in the District Court of Douglas County, Nebraska, prior to the filing of this Notice of Removal.
5. The United States District Court for the District of Nebraska has original jurisdiction over the claims asserted in the state court action pursuant to 28 U.S.C. § 1332(a) and the action may be removed to this Court by Defendants pursuant to 28 U.S.C. §1441(a).
6. Diversity of the parties is complete. Plaintiff is domiciled in Nebraska. Defendant Nationwide Property and Casualty Insurance Company is a corporation formed under the laws of the State of Ohio with its principal place of business in Ohio, and Defendant Depositors Insurance Company is a corporation formed under the laws of the State of Iowa with its principal place of business in Iowa.
7. The amount in controversy in this action is reasonably estimated to exceed \$75,000.00, exclusive of interest and costs.

8. Promptly after the filing of this Notice of Removal, written notice will be given by Defendants to all other parties and a copy of this Notice will be filed with the District Court of Douglas County, Nebraska, as required by 28 U.S.C. §1446(d).

**WHEREFORE**, Depositors Insurance Company and Nationwide Property and Casualty Insurance Company pray that this entire cause be removed from the District Court of Douglas County, Nebraska, to this Court.

DEPOSITORS INSURANCE COMPANY and  
NATIONWIDE PROPERTY AND CASUALTY  
INSURANCE COMPANY, Defendants.

By: /s/Matthew D. Hammes  
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*ATTORNEYS FOR DEFENDANT*

**CERTIFICATE OF SERVICE**

**THE UNDERSIGNED HEREBY** certifies that the foregoing was filed in and served by the ECF System of this Court, and that the following person(s) were also sent a copy of the same via email on this 6th day of March, 2023:

Theodore R. Boecker, Jr.  
BOECKER LAW, P.C., L.L.O  
11225 Davenport Street, Suite 100,  
Omaha, NE 68154  
ATTORNEY FOR PLAINTIFFS

/s/Matthew D. Hammes